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-and-

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*Attorneys for Creditor White Winston
Select Asset Funds, LLC*

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA**

IN RE:

MUSCLEPHARM CORPORATION

Debtor.

Chapter 11

Case No.: 22-14422-nmc

NOTICE OF DEPOSITION

TO: Debtor MusclePharm Corporation
c/o Samuel A. Schwartz, Esq. Nevada Bar No. 10985
saschwartz@nvfirm.com
c/o Bryan A. Lindsey, Esq. Nevada Bar No. 10662
blindsey@nvfirm.com
SCHWARTZ LAW, PLLC
601 East Bridger Avenue
Las Vegas, NV 89101

AND ALL OTHER INTERESTED PARTIES:

PLEASE TAKE NOTICE that, pursuant to FRCP 30(b)(6), as made applicable in the
above-referenced matter pursuant to Federal Rules of Bankruptcy Procedure 7030, Creditor White

SHEA LARSEN
1731 Village Center Circle, Suite 150
Las Vegas, Nevada 89134
(702) 471-7432

1 Winston Select Asset Funds, LLC, will take the deposition upon oral examination of the person(s)
2 designated by Debtor MusclePharm Corporation to be most knowledgeable on the subject set forth
3 on **Exhibit A** attached hereto.

4 The deposition will be conducted on February 7, 2023 commencing at 10:00 a.m. or as
5 otherwise agreed upon by the Parties. The deposition will be held via Zoom Video Conference.
6 The deposition will be recorded by stenographic court reporter. The deposition will be conducted
7 before a person duly authorized to administer oaths and record the witness's testimony.
8 You are invited to attend and cross-examine.

9 DATED this 4th day of February, 2023.

SHEA LARSEN

/s/ Bart K. Larsen, Esq.
James Patrick Shea, Esq.
Nevada Bar No. 405
Bart K. Larsen, Esq.
Nevada Bar No. 8538
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Attorneys for Creditor White Winston
Select Asset Funds, LLC

CERTIFICATE OF SERVICE

1. On February 4, 2023, I served the following document(s): **NOTICE OF DEPOSITION**

2. I served the above document(s) by the following means to the persons as listed below:

☒ a. ECF System:

SAMUEL A. SCHWARTZ and BRYAN A. LINDSEY on behalf of Debtor
MUSCLEPHARM CORPORATION
saschwartz@nvfirm.com, blindsey@nvfirm.com

WILLIAM NOALL and MARK M. WISENMILLER on behalf of Creditor EMPERY
ASSET MANAGEMENT, LP
wnoall@gtg.legal, mweisenmiller@gtg.legal

OGONNA M. BROWN on behalf of Creditor PRESTIGE CAPITAL CORPORATION
obrown@lewisroca.com

JOHN D. FIERO, JASON H. ROSELL, and MATTHEW C. ZIRZOW on behalf of the
OFFICIAL COMMITTEE OF UNSECURED CREDITORS
jfiero@pszjlaw.com, jrosell@pszjlaw.com, mzinzow@lzlawnv.com

TRACY M O'STEEN on behalf of interested party RYAN DREXLER
tosteen@carlyoncica.com

ROBERT T. STEWART on behalf of Creditor NUTRABLEND FOODS
rstewart@foley.com

☐ b. United States mail, postage fully prepaid:

☐ c. Personal Service:

I personally delivered the document(s) to the persons at these addresses:

☐ For a party represented by an attorney, delivery was made by handing the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

☐ For a party, delivery was made by handling the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

☐ d. By direct email (as opposed to through the ECF System):
Based upon the written agreement of the parties to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ e. By fax transmission:

SHEA LARSEN
1731 Village Center Circle, Suite 150
Las Vegas, Nevada 89134
(702) 471-7432

1 Based upon the written agreement of the parties to accept service by fax
2 transmission or a court order, I faxed the document(s) to the persons at the fax
3 numbers listed below. No error was reported by the fax machine that I used. A copy
4 of the record of the fax transmission is attached.

☐ f. By messenger:

5 I served the document(s) by placing them in an envelope or package addressed to
6 the persons at the addresses listed below and providing them to a messenger for
7 service.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: February 4, 2023.

8 By: /s/ Bart K. Larsen, Esq.

EXHIBIT A

MusclePharm Corporation (“MusclePharm” or the “Debtor”) is to designate the person or persons most knowledgeable with respect to the following subjects:

1. The negotiations by and among the Debtor and Empery Tax Efficient L.P. relating to or concerning Empery Tax Efficient L.P. providing Debtor in Possession Financing to the Debtor.

2. The facts and circumstance considered by the Debtor in agreeing to enter into an agreement with Empery Tax Efficient L.P. for Debtor in Possession Financing.

3. The reasons and basis for the Debtor’s agreeing to enter into a Debtor in Poession Financing with Empery Tax Efficient L.P. instead of the Debtor in Possession Financing proposed by White Winston Select Asset Fund LLC.

4. The factual basis including the economic analysis upon which the Debtor based its business judgment determination to accept the Debtor in Possession Financing offered by Empery Tax Efficient L.P. as opposed to that offered by White Winston Select Asset Fund LLC.

5. The factual basis for MusclePharm's averments in Paragraph 14 of [ECF No. 89] and contentions related thereto.

6. The calculation of any and all claims held or asserted by or through Empery Tax Efficient, L.P. and the "Empery Securityholders" (as defined in [ECF No. 186], if any.